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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,952	05/10/2006	Chad Andrew Le Fevre	PU030295	4966

24498 7590 02/02/2010

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EXAMINER	
MENDOZA, JUNIOR O	
ART UNIT	PAPER NUMBER
2423	
MAIL DATE	DELIVERY MODE
02/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,952	LE FEVRE ET AL.	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/16/2009 have been fully considered but they are not persuasive.

Regarding **claims 1, 7 and 13**, applicant argues that Logan in view of Elliott do not teach that "a user Input performs of at least three different functions, including: (i) selecting a designated video input source device, (ii) establishing a connection between the designated video input source device and a digital recording device; and (iii) causing the digital recording device to record digital content provided from the designated video input source device".

However, the examiner respectfully disagrees with the applicant. Logan discloses an entertainment system which includes different input source devices 4A-4B, allowing users to be able to select any content source for viewing on monitor 10, col. 3 lines 54 – col. 4 lines 7 figure 1. Logan further recites that the selected incoming signal is automatically stored in a circular buffer without attention from the user, col. 1 lines 46-53; where microprocessor controller 11 establishes a coupled connection between the input source devices 4A-4B and the memory system 5 by means of digital connection buses, col. 3 lines 34-44. To further clarify, Elliot simply discloses the well known technology of establishing a digital peer-to-peer connection between a video input source and a recording device, when the recording device is an external device as shown in col. 6 lines 6-21 and

figures 1 and 4. Therefore, Logan clearly teaches that the user input selection of a content automatically triggers the at least three steps of "(i) selecting a designated video input source device, (ii) establishing a connection between the designated video input source device and a digital recording device; and (iii) causing the digital recording device to record digital content provided from the designated video input source device"; since the system of Logan records the content source tuner selected by the user regardless of the selected input source device without attention from the user.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1 – 4, 6, 13, 14 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (Patent No US 5,371,551) in view of Stecyk et al. (Pub No US 2003/0075983). Hereinafter, referenced as Logan and Stecyk, respectively.

Regarding **claim 1**, Logan discloses a method for operating a television apparatus to enable a recording function (see abstract, concurrent recording in circular buffer), the method comprising the steps of:

receiving, by the television apparatus (television apparatus of figure 1), a user input selecting a designated video input source device (input source devices 4A-4B) connected via a bus connection (Col. 3 lines 34-45, col. 4 lines 3-14 figure 1; user selects content for viewing where switching node 3 selects input unit 4A-4B);

in response to the user input received by the television apparatus, establishing, by the television apparatus, a connection between the designated video input source device and a digital recording device connected via the bus connection (Col. 1 lines 46-60, col. 3 lines 8-23 and figure 1; connecting input source unit 4 and memory system 5);

and further in response to the user input received by the television apparatus, causing, by the television apparatus, the digital recording device to record digital content provided from the designated video input source device(Col. 1 lines 46-60, col. 3 lines 54-57 and figure 1; continuously storing currently received content in a circular buffer), wherein data is directly transferred between the designated video input source device and the digital recording device (Col. 3 lines 34-45).

However, it is noted that Logan fails to explicitly disclose a television apparatus having a digital serial bus connection to enable a recording function; selecting a designated video input source device connected via the digital serial bus connection; establishing, by the television apparatus, a peer-to-peer connection between the

designated video input source device and a digital recording device to record digital content.

Nevertheless, in a similar field of endeavor Stecyk discloses a television apparatus (digital television DTV 11) having a digital serial bus connection (IEEE 1394 device interface 120, 124) to enable a recording function (Paragraph [0105]; enable peer to peer recording);

selecting a designated video input source device (Paragraph [0052] figure 10, currently user selected device is the recording source) connected via the digital serial bus connection (IEEE 1394 device interface 120, 124);

establishing, by the television apparatus, a peer-to-peer connection (IEEE 1394 device interface 120, 124) between the designated video input source device (network device 60) and a digital recording device to record digital content (Paragraphs [0053] [0105] figures 2 and 10; peer to peer connection established with recording device 92 in order to perform recording from user selected source).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan by specifically providing the elements mentioned above, as taught by Stecyk, for the purpose of specifically applying a known technique of selecting a designated video input source device to improve the recording functions in a device for a predictable result of recording the content of the selected input, which allows users to virtually record the content from any input which has the capabilities to connect to a television in order to access content at a later time.

Regarding **claim 2**, Logan and Stecyk disclose the method of claim 1; moreover, Logan discloses that the user input includes a user pressing a single key of a remote control device (Col. 3 lines 24-27 and 54-57 fig 1; recording device 7 starts recording when the device is turn on and when the user switches from one input unit 4 to another which are all performed implementing a single command of remote control 13).

Regarding **claim 3**, Logan and Stecyk disclose the method of claim 2; however, it is noted that Logan fails to explicitly disclose that the digital serial bus comprises an IEEE 1394 compliant bus.

Nevertheless, in a similar field of endeavor Stecyk discloses that the digital serial bus comprises an IEEE 1394 compliant bus (Figure 5, IEEE 1394 device interface 120, 124).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan by specifically providing the elements mentioned above, as taught by Stecyk, for the purpose of implementing a transmission interface which allows content to be transmitted fast and efficiently.

Regarding **claim 4**, Logan and Stecyk disclose the method of claim 2; moreover, Logan discloses causing the digital recording device to continuously record video content provided from a tuning device of the television apparatus in response to user selection of the tuning device as the designated video input source device (Col. 1 lines

46-60, col. 3 lines 54-57 and figure 1; continuously storing currently received content in a circular buffer).

Regarding **claim 6**, Logan and Stecyk disclose the method of claim 2; moreover, Logan discloses the step of displaying video content stored on the digital recording device on a display device associated with the television apparatus in response to user selection of the digital recording device as the designated video source device (Col. 1 lines 46-60, col. 4 lines 3-13 and figure 1; displaying content on display 10).

Regarding **claims 13, 14 and 16**, Logan and Stecyk disclose all the limitations of claims 1, 4 and 2; therefore, claims 13, 14 and 16 are rejected for the same reasons stated in claims 1, 4 and 2, respectively.

4. **Claims 5 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Stecyk further in view of Geer et al. (Patent No US 6,788,882). Hereinafter, referenced as Geer.

Regarding **claim 5**, Logan and Stecyk disclose the method of claim 4; moreover, Logan discloses causing the digital recording device to continuously record the video content provided from a tuning device of the television apparatus in a circular buffer

(Col. 1 lines 46-60, col. 3 lines 54-57 and figure 1; continuously storing currently received content in a circular buffer).

However, it is noted that Logan and Stecyk fail to explicitly disclose recording into a predefined buffer size of a storage medium of a digital recording device.

Nevertheless, in a similar field of endeavor Geer discloses recording into a predefined buffer size of a storage medium of a digital recording device. (Col 12 lines 55-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan and Stecyk by specifically providing the elements mentioned above, as taught by Geer, for the purpose of recording as much content as possible for the viewer, providing customer satisfaction since the user can record as much content as they want by deleting old content; moreover, the users would be capable of performing VCR-like functions.

Regarding **claim 15**, Logan, Stecyk and Geer disclose all the limitations of claim 15; therefore, claim 15 is rejected for the same reasons stated in claim 5.

5. **Claims 7 – 10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (Patent No US 5,371,551) in view of Elliott et al. (Patent No US 6,442,328). Hereinafter, referenced as Logan and Elliott, respectively.

Regarding **claim 7**, Logan discloses television apparatus (See abstract, television system of figure 1), comprising:

first means for receiving a user input by a receiver of the television apparatus selecting a designated video input source device connected to a bus (Col. 3 lines 24-27 and 54-57 fig 1; turning on the device and implementing switching node 3 to select an input unit 4);

second means for establishing, in response to the user input, a connection between the designated video input source device and a digital recording device connected to the digital serial bus (Col. 3 lines 24-27 and 54-57 fig 1; turning on the device and implementing switching node 3 to select an input unit 4);

and wherein the second means further causes the digital recording device to continuously record digital content provided from the designated video input source device in response to the user input, and data is directly transferred between the designated video input source device and the digital recording device (Col. 1 lines 46-60, col. 3 lines 54-57 and figure 1; continuously storing currently received content in a circular buffer).

However, it is noted that Logan fails to explicitly disclose a television apparatus connected to a digital serial bus to enable a recording function; and establishing a peer-

to-peer connection between the designated video input source device and an external digital recording device connected to the digital serial bus.

Nevertheless, in a similar field of endeavor Elliott discloses a television apparatus connected to a digital serial bus to enable a recording function (Col. 6 lines 6-21 figures 1 and 4; high performance serial bus connection);

and establishing a peer-to-peer connection between the designated video input source device and an external digital recording device connected to the digital serial bus (Col. 6 lines 6-21 figures 1 and 4; implementing IEEE 1394 to connect video input and recorder 200).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan by specifically providing the elements mentioned above, as taught by Elliott, for the purpose of specifically applying a known technique of selecting a designated video input source device to improve the recording functions in a device for a predictable result of recording the content of the selected input, which allows users to virtually record the content from any input which has the capabilities to connect to a television.

Regarding **claims 8, 10 and 12**, Logan discloses all the limitations of claims 8, 10 and 12; therefore, claims 8, 10 and 12 are rejected for the same reasons stated in claims 2, 4 and 6, respectively.

Regarding **claim 9**, Logan and Elliott disclose the television apparatus of claim 8; however, it is noted that Logan fails to explicitly disclose that the digital serial bus comprises an IEEE 1394 compliant bus.

Nevertheless, in a similar field of endeavor Elliott discloses that the digital serial bus comprises an IEEE 1394 compliant bus (Col. 6 lines 17-24 also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan by specifically providing the elements mentioned above, as taught by Elliott, for the purpose of implementing a transmission interface which allows content to be transmitted fast and efficiently.

6. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Elliott further in view of Geer.

Regarding **claim 11**, Logan, Elliott and Geer disclose all the limitations of claim 11; therefore, claim 11 is rejected for the same reasons stated in claim 5.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
January 28, 2010

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423